


Appl. No. 09/927,743

Remarks

Claims 1-12 were previously rejected under 35 U.S.C. § 102(e) as being anticipated by Oku et al. 6,710,817. Applicant requested reconsideration of the rejection pointing out that Oku merely describes using a format converter to allow outputting or displaying motion picture data without drawing a distinction between an analog broadcast and a digital broadcast. Applicant pointed out that Oku output analog signals are standard analog signals, not the compatible analog signal of applicant's claims which are capable of carrying a digital signal.

In response to applicant's remarks, Examiner pointed to the claim wording "may carry" indicating that the phrase had no weight, and thus Oku meets the claim limitation. Applicant appreciates and thanks Examiner Philippe for his explanation. Applicant however disagrees that the claim phrase "may carry" has no weight, and believes that when the claims are properly interpreted in light of the specification as would be understood by the person of ordinary skill in the art, the phrase would be known to mean that the compatible analog signal is allowed or permitted to carry the digital signal.

Applicant notes that the verb may has several meanings. For example at www.dictionary.com, the following definitions are given for the verb "may":

may¹  **Pronunciation Key** (mā)
aux. v. Past tense **might** (mīt)

1. To be allowed or permitted to: *May I take a swim? Yes, you may.*
2. Used to indicate a certain measure of likelihood or possibility: *It may rain this afternoon.*
3. Used to express a desire or fervent wish: *Long may he live!*
4. Used to express contingency, purpose, or result in clauses introduced by *that* or *so that*: *expressing ideas so that the average person may understand.*
5. To be obliged; must. Used in statutes, deeds, and other legal documents. See Usage Note at [can](#)¹.

Using the first definition, the claim would be interpreted as a compatible analog signal allowing or permitting carriage of a digital video signal. Oku does not teach a compatible analog signal which allows or permits the carriage of a digital signal. Again, applicant believes that this is the definition which is appropriate from the teachings of the specification and what would be known to the person of ordinary skill in the art. Applicant also notes the 5th definition meaning must.

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Nevertheless, applicant appreciates that an unscrupulous infringer could make a similar argument to avoid or delay liability for infringement. Applicant has amended independent claims 1-3 to explicitly recite what was already a limitation present in the claims, namely that the compatible analog signal is permitted to carry the digital signal as a quasidigital signal. These amendments thus are made to avoid argument by the unscrupulous infringer.

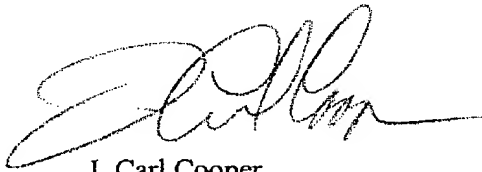
Applicant, as his own lexicographer, has defined a quasidigital signal starting at line 23 of page 7 of the specification as "an analog signal which carries digital information in a fashion such that the signal amplitude is restricted to discrete values at specific times." Oku is clearly missing such an analog signal in that the Oku output signal does not carry digital information; rather it carries only analog information. Further, the Oku analog output signals do not carry a digital compressed video signal.

With respect to independent claim 4 and dependent claims 5-12, it is noted that the element of "encoding said compressed digital information as a quasidigital signal" is already present.

In that Oku is missing any teaching of key elements of the claimed invention it is requested that the present claims be allowed and the application passed to issue.

Applicant has added new dependent claims 13-15. In addition applicant has added new claims 16-26 which are directed to operation with the digital signal carried in analog form. The new claims more clearly specify and point out novel features of the invention which are believed not fairly taught or suggested by the cited art.

Respectfully Submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (571) 273-8300 on January 19, 2006.

A handwritten signature in black ink, appearing to read "J. Carl Cooper", is written over a horizontal line.

J. Carl Cooper, Reg. 34,568